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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,122	01/29/2002	Philip B. Sample	00167-455001	3500

7590

05/31/2005

JOEL R. PETROW
Smith & Nephew, Inc.
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EXAMINER

BAXTER, JESSICA R

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>mv</i>
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EXAMINER

ART UNIT	PAPER
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05162005

DATE MAILED:

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Commissioner for Patents

1. The reply filed on February 10, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required to elect a species and several subspecies. Applicant pointed out that claims 1-3, 5-7, 11-37 read on the elected species. Applicant then points out that claims 1, 2, 5-7, 11-13, 15-23, and 27-37 are generic. It is unclear how all of these claims are generic. Some of the generic claims are clearly not generic and read on non-elected sub-species, even though they are included in the list of elected claims. Please review the claims and determine which claims are generic and which read on the elected species. As pointed out in the Restriction requirement, a reply to the restriction requirement must include an identification of the species that is elected consonant with this requirement, and a list of all claims readable thereon. If applicant traverses on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 571-272-4691. The examiner can normally be reached on M-F 8:30AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter
Examiner
Art Unit 3731

[Signature]
ANH Tuan T. NGUYEN
SUPERVISORY PATENT EXAMINER

5/26/05